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REMARKS

Claims 1-33 are presently pending in the case. Claims 1, 3, 12, 21, 22, 24, and 29 have been amended. The new claims are supported by the specification and claims as originally filed.

Reconsideration of the present case in view of the above amendments and the remarks herein is requested.

Claim rejections under Double Patenting

The Examiner rejected claims 1-33 as being unpatentable under statutory double patenting over the claims of U.S. Patent 6,668,827.

The independent claims have been amended to overcome the rejection.

In addition, in order to expedite prosecution of the present case, Applicant submits herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). It is requested that the double patenting rejection be removed in view of this disclaimer.


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Conclusion

The claims are allowable for the reasons given above. Thus, the Examiner is respectfully requested to reconsider the present rejections and allow the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

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(formerly INHALE THERAPEUTIC
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